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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 30 December 2004 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the fact that Israel, the occupying Power, continues the unlawful construction of the wall it has been building in the occupied Palestinian territory, including in and around East Jerusalem, and continues to carry out and impose the countless illegal measures comprising the wall's associated regime.

The occupying Power continues to confiscate land, destroy property, including homes, agricultural land and water resources, and to impose severe restrictions on the movement of Palestinian civilians in the areas in which the wall is being built, including by means of its apartheid-like permit system. This expansionist wall is part and parcel of Israel's ongoing attempts to colonize the Palestinian land, as revealed by its simultaneous construction of illegal settlements throughout the occupied Palestinian territory, particularly in East Jerusalem, and clearly aimed at the de facto annexation of large areas of the Palestinian land.

Israel continues to carry out all such illegal policies and practices in this regard in total violation of international law, including the Charter of the United Nations, international humanitarian law and human rights law, and in absolute contempt for the advisory opinion rendered on 9 July 2004 by the International Court of Justice, which concluded that Israel is under an obligation to cease the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto and make reparation for all damage caused by its construction. Moreover, Israel is doing so in blatant disregard for the will of the international community, as overwhelmingly affirmed in General Assembly resolution ES-10/15 of 20 July 2004, which demanded that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion.

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The continuation of this unlawful construction is exacerbating the humanitarian crisis being faced by the Palestinian people in the occupied Palestinian territory, increasing their daily suffering and intensifying their hardships. This wall continues to prevent civilians from accessing jobs, schools, hospitals and farmlands, and the consequent impact on the socio-economic conditions of the Palestinian people has been grave. Despite the immense humanitarian assistance being provided by the international community, the Palestinian economy continues to suffer, as unemployment and poverty are rising among the population as a result. In addition, the ever-expanding wall continues to isolate and separate Palestinian cities, towns and villages, completely undermining the territorial contiguity of the territory.

The suffocation of the Palestinian economy and the increased hardships being faced by the Palestinian people as a result of the combined impact of the wall, the settlements and the imposition of restrictions on movement throughout the occupied Palestinian territory were clearly exposed in a report about the specific situation in this regard in Bethlehem issued in December 2004 by the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations Special Coordinator for the Middle East Peace Process, entitled "Costs of Conflict: the Changing Face of Bethlehem". The report succinctly describes the tragedy of Bethlehem as follows: "The glory of Bethlehem, a city of historical and religious importance for those of the Christian, Muslim and Jewish faiths alike, is vanishing."

The report indicates that there are currently 78 physical obstacles, including roadblocks and checkpoints in and around Bethlehem, in addition to 10.4 kilometres of the wall that have already been built and 18 illegal Israeli settlements in the Bethlehem district that have isolated the city and restricted the movement of its inhabitants as well as the entry of others to the city. The ancient link between Bethlehem and Jerusalem, which have traditionally been interdependent holy cities, has also been severed owing to the physical siege that is being imposed on the city. This has detrimentally affected access to the holy places, in violation of the right to worship, as Christian and Muslim worshippers are being restricted or denied access to the Al-Aqsa Mosque and the Church of the Holy Sepulchre in Jerusalem and to Rachel's Tomb, the Bilal Mosque and, of course, the Church of the Nativity in Bethlehem.

This siege has affected all aspects of life for Bethlehem's Palestinian inhabitants. Specifically, the city, which is heavily reliant on tourism, has suffered a steep economic decline as a result of the loss of tourists and pilgrims. As indicated in the report, in 2000, the average number of monthly visitors to Bethlehem was approximately 91,726, which declined to an average of 7,249 visitors in 2004. Moreover, the report states that "since 2000, a total of 28 hotels, 240 olive wood and mother-of-pearl workshops, and 50 restaurants have closed". As a result, the lack of jobs and income in this once-thriving city and the dim economic prospects have caused increased migration, particularly among the Christian population. According to the report, since September 2000, 9.3 per cent of Bethlehem's Christian population has migrated from the city. This wave of migration is altering the demographic composition of Bethlehem and destroying the cultural, ethnic and religious diversity that have traditionally characterized this holy city.

The urgency of this matter cannot be underestimated. It is imperative that the international community take the necessary measures to compel Israel, the occupying Power, to cease all of these illegal policies and practices that are

destroying the social fabric of the Palestinian society, undermining the territorial contiguity of the Palestinian territory and threatening to make physically impossible the implementation of the two-State solution and thus the prospects for a peaceful settlement. In this regard, we stress the importance of the timely establishment of the register of damages by the Secretary-General, as well as the report by Switzerland, in its capacity as depositary of the Geneva Conventions, with regard to measures by the High Contracting Parties to ensure respect by Israel for the Convention, both as part of the implementation of resolution ES-10/15. Israel must be compelled to comply with all of its legal obligations under international law, as mentioned in the advisory opinion and as demanded in countless Security Council and General Assembly resolutions.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations